

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA,
Plaintiff

vs.

CR. NO. 99-299-04 (PG)

ALEX MORALES - ORTIZ

Defendant

* * * * *

MOTION RECOMMENDING MODIFICATION OF CONDITIONS

TO THE HONORABLE JUAN M. PEREZ GIMENEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO:

COMES NOW, Orlando Rullán, U.S. Probation Officer of this Honorable Court, presenting an official report upon the conduct and attitude of supervisee, Alex Morales Ortiz, who on October 4th, 2000 pled guilty of violating Title 21:846. Mr. Morales was sentenced to a sixty month imprisonment term and eight (8) years of supervised release.

RESPECTFULLY INFORMING THE COURT AS FOLLOWS:

1.VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER 7. "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSES, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

On October 12, 2004, Mr. Ortiz tested positive to heroin. Prior collecting the urine specimen, he admitted the use of illegal drugs. Based on that, Mr. Morales was referred to individual and group substance abuse counseling. Once again on November 1, 2004, Mr. Morales tested positive to heroin and admitted the use of this substance. However, this officer respectfully recommends the Honorable Court not to revoke the supervised release term at this time and allow Mr. Morales to finish drug treatment.

However, based on Mr. Morales role in the instance offense, which consisted in storing and distributing narcotics and weapons, this officer highly recommends the Court to add following special supervised release condition.

“The defendant shall submit his person, residence, office or vehicle to a search, conducted by a U.S. Probation officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to his condition.”

This special supervised release condition was explained and clarified to Mr. Allende who voluntarily signed the Probation Form # 49, that is, a Waiver of Hearing to Modify Conditions of Supervised Release and Probation.

WHEREFORE, *unless the Court rules otherwise, it is respectfully requested that an order be issued to amend the conditions of supervised release to include the search and seizure condition as above-mentioned until the expiration of his supervised release term. If he fails to comply with the conditions of supervision, the Court will be notified and revocation procedures initiated.*

In San Juan, Puerto Rico, this 5th day of November, 2004

Respectfully submitted,

*EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER*

*s/Orlando Rullán
U.S. Probation Officer U.S. Probation Office
Federal Office Building, Office 400
San Juan, PR 00918
Office 787-766-6503
Fax: 787-766-5945
orlando_rullan @prp.uscourts.gov*

ORO/

CERTIFICATE OF SERVICE

HEREBY certify that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: H.S. García, U.S. Attorney, U.S. Attorney's Office and Joseph Laws, Federal Public Defender, Patio Gallery Building, 241 F.D. Roosevelt Avenue, Hato Rey, PR 00918.

At San Juan, Puerto Rico, November 5th 2004.

s/Orlando Rullán
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